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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,527	09/18/2003	Todd C. Bailey	PA51-22-02	5895
53209	7590	02/10/2006	EXAMINER	
BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM P.O. BOX 81536 AUSTIN, TX 78708-1536			LUK, EMMANUEL S	
			ART UNIT	PAPER NUMBER
			1722	
DATE MAILED: 02/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,527

Applicant(s)

BAILEY ET AL.

Examiner

Emmanuel S. Luk

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/05;8/05;9/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gimkiewicz (EP1460738A2).

Gimkiewicz teaches a layer (101) having marks (102) made from chromium, it allows for UV casting between the marks and also an excess of silicon oil (103) acting as a release layer.

3. Claims 1-7 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Mancini (6,387,787).

Mancini teaches a lithographic template having a bulk material of the template (12), alignment marks (22) that are of another material having a different index of refraction including a metal (gold), space between the alignment marks (25) allowing for radiation to pass through, and the use of a mask in creating the template (Col. 5, line 45).

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mancini (6387787) in view of Calveley (6165911).

Mancini teaches a lithographic template having a bulk material of the template (12), alignment marks (22) that are of another material having a different index of refraction including a metal (gold), space between the alignment marks (25) allowing for radiation to pass through, and the use of a mask in creating the template (Col. 5, line 45).

Mancini fails to teach a release layer.

Calveley teaches the use of a release material layer with the stamp during the process (Col. 7, line 53). Thereby, one can modify Mancini with the addition of a release layer to allow for easier removal of the material from the stamp. It would have been obvious for one of ordinary skill in the art to modify Mancini with the addition of a release layer as taught by Calveley because it allows for easier removal of the product from the mold surface.

6. Claims 9, 10, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mancini in view of Caveley as applied to claim 8 and 16 above, and further in view of Jeans (2004/0219246).

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Mancini fails to teach fluorocarbons.

Jeans teaches the use of fluorocarbons as a release layer. "Suitable materials for the release layer 13 include but are not limited to a fluorocarbon material. As an example, the fluorocarbon material for the release layer 13 can be deposited using a plasma deposition of a trifluoromethane (CHF.sub.3) gas for about 5.0 minutes." [0086]

It would have been obvious for one of ordinary skill in the art to modify Mancini with the use of fluorocarbons as a release layer as taught by Jeans because it is an equivalent substitution for use as a release layer within the molding arts.

7. Claims 9, 10, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gimkiewicz (EP1460738A2).

Gimkiewicz teaches a layer (101) having marks (102) made from chromium, it allows for UV casting between the marks and also an excess of silicon oil (103) acting as a release layer.

Gimkiewicz fails to teach the use of fluorocarbons.

Jeans teaches the use of fluorocarbons as a release layer. "Suitable materials for the release layer 13 include but are not limited to a fluorocarbon material. As an example, the fluorocarbon material for the release layer 13 can be deposited using a plasma deposition of a trifluoromethane (CHF.sub.3) gas for about 5.0 minutes." [0086]

It would have been obvious for one of ordinary skill in the art to modify Mancini with the use of fluorocarbons as a release layer as taught by Jeans because it is an equivalent substitution for use as a release layer within the molding arts.

Conclusion

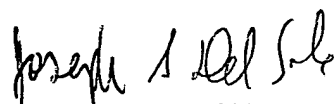
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim et al (2005/0158637 A1).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (571) 272-1134. The examiner can normally be reached on Monday-Thursday 8 to 5 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EL


JOSEPH S. DEL SOLE
PRIMARY EXAMINER
2/6/06